



United States  
CONSUMER PRODUCT SAFETY COMMISSION  
Washington, D.C. 20207

CPSC/DEC. OF THE SECRETARY  
FEDERAL REGISTER

197 JUN 24 A 9:54

MEMORANDUM

DATE: June 23, 1997

TO : Commission  
Sadye E. Dunn, Secretary

FROM : Jeffrey A. Bromme, General Counsel  
Stephen Lemberg, Assistant General Counsel  
Leonard H. Goldstein, Attorney

SUBJECT : ATV Exposure Survey

**TIME CRITICAL** BALLOT VOTE due: C.O.B. June 25, 1997

The attached memorandum of June 23, 1997, from the Directorate for Economic Analysis, recommends that the Commission approve publication of a notice in the Federal Register announcing the submission of required material to the Office of Management and Budget ("OMB") in support of the Commission's proposed ATV exposure survey. The material to be sent to OMB includes a supporting statement, the initial Federal Register notice of April 15, 1997 (announcing the Commission's intention to conduct an ATV exposure survey), comments received in response to the initial Federal Register notice, and a copy of the exposure survey questionnaire. As required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the draft Federal Register notice invites interested parties to submit comments to both OMB and CPSC on the request for OMB approval of the survey.

Please indicate your vote:

I. Approve the draft Federal Register notice and supporting statement.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

NOTE: This document has not been  
reviewed or accepted by the Commission.  
Initial rh Date 6/23/97

CPSC 6 (b)(1) Cleared

☒ No Mfrs/Private Labels

Products Identified

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Excepted by

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Comments Processed,

6/24/97 AS

II. Do not approve the draft Federal Register notice and supporting statement.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

III. Take other action (please specify):

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\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



United States  
CONSUMER PRODUCT SAFETY COMMISSION  
Washington, D.C. 20207

MEMORANDUM

DATE: JUN 23 1997

TO : The Commission  
Sadye E. Dunn, Secretary

Through: Jeffrey S. Bromme, General Counsel *JB*  
Pamela Gilbert, Executive Director *PG*

From : Ronald L. Medford, Assistant Executive Director *RLM*  
Office of Hazard Identification and Reduction  
Warren J. Prunella, Associate Executive Director  
Directorate for Economic Analysis *WJP*

Subject: Draft Federal Register notice and Submission to OMB

The staff recommends that the Commission approve publication in the Federal Register of a notice announcing the submission of required material to the Office of Management and Budget (OMB) in support of the Commission's proposed ATV exposure survey.

Attached is the draft Federal Register notice announcing the Commission's intention to seek approval of the ATV exposure survey from the Office of Management and Budget (OMB). Also attached is the package of materials that must be presented to the OMB.

Included in the package of materials to be submitted to OMB are:

- o the supporting statement;
- o the initial Federal Register notice of April 15, 1997, requesting public comment on the proposed survey;
- o comments that were received in response to the notice (staff responses to the comments are contained in the supporting statement);
- o the draft ATV exposure survey questionnaire.

Note that Part B of the supporting statement, which describes the technical details of the statistical methodology that will be used to conduct the survey, is now being completed by the contractor and is expected in the next day or two. It will be attached to the submission before it is presented to OMB and made available to the Commission as soon as it is available to the staff.

In view of the need to submit this package to OMB as soon as possible, we are forwarding the information now available for your review and consideration.

Attachments NOTE: This document has not been  
reviewed or accepted by the Commission.  
Initial *RLM* Date *6/23/97*

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Billing Code 6355-01-P

CONSUMER PRODUCT SAFETY COMMISSION

Submission for OMB Review; Comment Request -- All-Terrain Vehicle  
Exposure Survey

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: In the April 15, 1997 Federal Register (62 FR 18333), the Consumer Product Safety Commission published a notice in accordance with provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) to announce the agency's intention to seek approval of a collection of information to determine consumer exposure to the hazards associated with the use of All-Terrain Vehicles ("ATVs"). The Commission now announces that it has submitted to the Office of Management and Budget a request for approval of that collection of information.

The collection of information consists of a national telephone survey of households. Information obtained from ATV-owning households will have two primary uses. First, the results of the survey will be compared to those of earlier ATV exposure surveys (conducted in 1986 and 1989) to evaluate changes in the characteristics and use patterns of non-occupational ATV drivers over time. Second, data from the survey will be analyzed with data obtained from in-depth investigations of persons who were injured using ATVs for non-occupational purposes to determine and quantify ATV risk factors. This risk analysis will reveal current risk patterns and how they have changed since the late 1980s.

Results of the collection of information will assist the Commission in determining what, if any, action should be taken with regard to ATVs after April 28, 1998, when Final Consent Decrees signed by five major distributors of ATVs will expire.

**Additional Information About the Request for Approval of a Collection of Information**

*Agency address:* Consumer Product Safety Commission, Washington, DC 20207.

*Title of information collection:* Survey to determine consumer exposure associated with the use of All-Terrain Vehicles.

*Type of request:* Approval of a collection of information.

*General description of respondents:* ATV-owning households.

*Estimated number of respondents:* 500.

*Estimated average number of hours per respondent:* .34 hours (20 minutes).

*Estimated number of hours for all respondents:* 167 hours.

*Comments:* Comments on this request for approval of information collection should be sent within 30 days of publication of this notice to (1) Victoria Wassmer, Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503; telephone: (202) 395-7340, and (2) the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207.

Copies of this request for information collection and supporting documentation are available from Robert Frye, Director, Office of Planning and Evaluation, Consumer Product Safety Commission, Washington, DC 20207; telephone: (301) 504-0416, extension 2243.

Dated:

**Sadye E. Dunn,**

Secretary, Consumer Product Safety Commission

# PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the Supporting Statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW Washington, DC 20503.

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|--|--|
| <p>1. Agency/Subagency originating request</p> <p>Consumer Product Safety Commission</p>   | <p>2. OMB control number</p> <p>a. <u>3 0 4 1</u> - - - - -</p> <p>b. <input checked="" type="checkbox"/> None</p>   |
| <p>3. Type of information collection (check one)</p> <p>a. <input checked="" type="checkbox"/> New collection</p> <p>b. <input type="checkbox"/> Revision of a currently approved collection</p> <p>c. <input type="checkbox"/> Extension of a currently approved collection</p> <p>d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired</p> <p>e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired</p> <p>f. <input type="checkbox"/> Existing collection in use without an OMB control number</p> <p><i>For b-f, note item A2 of Supporting Statement instructions</i></p> | <p>4. Type of review requested (check one)</p> <p>a. <input checked="" type="checkbox"/> Regular</p> <p>b. <input type="checkbox"/> Emergency - Approval requested by: ____ / ____ / ____</p> <p>c. <input type="checkbox"/> Delegated</p> <p>5. Small entities</p> <p>Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>6. Requested expiration date</p> <p>a. <input type="checkbox"/> Three years from approval date b. <input checked="" type="checkbox"/> Other Specify: <u>2</u> / <u>98</u></p> |
| <p>7. Title</p> <p>All-Terrain Vehicle (ATV) Exposure Survey</p>   |  |
| <p>8. Agency form number(s) (if applicable)</p> <p>NA</p>  |  |
| <p>9. Keywords all-terrain vehicles, children, injuries, deaths, consent decree, risk probability survey</p>   |  |
| <p>10. Abstract The survey will help CPSC decision-making in addressing ATV-related injuries and deaths. The data will be used to evaluate changes in the characteristics and use patterns of ATV drivers over time, and to compare with injury data to evaluate risk patterns. The respondents will consist of a nationwide probability sample of ATV drivers.</p>  |  |
| <p>11. Affected public (Mark primary with "P" and all others that apply with "X")</p> <p>a. <input checked="" type="checkbox"/> Individuals or households</p> <p>b. <input type="checkbox"/> Business or other for-profit</p> <p>c. <input type="checkbox"/> Not-for-profit institutions</p> <p>d. <input type="checkbox"/> Farms</p> <p>e. <input type="checkbox"/> Federal Government</p> <p>f. <input type="checkbox"/> State, Local or Tribal Government</p>   | <p>12. Obligation to respond (Mark primary with "P" and all others that apply with "X")</p> <p>a. <input checked="" type="checkbox"/> Voluntary</p> <p>b. <input type="checkbox"/> Required to obtain or retain benefits</p> <p>c. <input type="checkbox"/> Mandatory</p>  |
| <p>13. Annual reporting and recordkeeping hour burden</p> <p>a. Number of respondents <u>500</u></p> <p>b. Total annual responses <u>1</u></p> <p>1. Percentage of these responses collected electronically <u>0</u> %</p> <p>c. Total annual hours requested <u>167</u></p> <p>d. Current OMB inventory <u>0</u></p> <p>e. Difference <u>167</u></p> <p>f. Explanation of difference</p> <p>1. Program change <u>new collection</u></p> <p>2. Adjustment</p>  | <p>14. Annual reporting and recordkeeping cost burden (in thousands of dollars)</p> <p>a. Total annualized capital/startup costs <u>0</u></p> <p>b. Total annual costs (O&amp;M) <u>0</u></p> <p>c. Total annualized cost requested <u>0</u></p> <p>d. Current OMB inventory <u>0</u></p> <p>e. Difference <u>0</u></p> <p>f. Explanation of difference</p> <p>1. Program change <u>0</u></p> <p>2. Adjustment</p>   |
| <p>15. Purpose of information collection (Mark primary with "P" and all others that apply with "X")</p> <p>a. <input type="checkbox"/> Application for benefits</p> <p>b. <input type="checkbox"/> Program evaluation</p> <p>c. <input type="checkbox"/> General purpose statistics</p> <p>d. <input type="checkbox"/> Audit</p> <p>e. <input checked="" type="checkbox"/> Program planning or management</p> <p>f. <input type="checkbox"/> Research</p> <p>g. <input type="checkbox"/> Regulatory or compliance</p>  | <p>16. Frequency of recordkeeping or reporting (check all that apply)</p> <p>a. <input type="checkbox"/> Recordkeeping</p> <p>b. <input type="checkbox"/> Third party disclosure</p> <p>c. <input type="checkbox"/> Reporting</p> <p>1. <input checked="" type="checkbox"/> On occasion</p> <p>2. <input type="checkbox"/> Weekly</p> <p>3. <input type="checkbox"/> Monthly</p> <p>4. <input type="checkbox"/> Quarterly</p> <p>5. <input type="checkbox"/> Semi-annually</p> <p>6. <input type="checkbox"/> Annually</p> <p>7. <input type="checkbox"/> Biennially</p> <p>8. <input type="checkbox"/> Other (describe)</p>                   |
| <p>17. Statistical methods</p> <p>Does this information collection employ statistical methods?</p> <p style="text-align: center;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>  | <p>18. Agency contact (person who can best answer questions regarding the content of this submission)</p> <p>Name: <u>Gregory Rodgers</u></p> <p>Phone: <u>(301) 504-0962</u> ext. <u>1330</u></p>   |

## 19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9.

**NOTE:** The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8 (b) (3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It uses plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention periods for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8 (b) (3):
  - (i) Why the information is being collected;
  - (ii) Use of information;
  - (iii) Burden estimate;
  - (iv) Nature of response (voluntary, required for a benefit, or mandatory);
  - (v) Nature and extent of confidentiality; and
  - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of the instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of these provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date



## Supporting Statement -- ATV Consumer Exposure Survey

### A. Justification

#### 1. Circumstances of information collection.

The Commission's work on ATVs began in the mid-1980s in response to a rapidly growing number of deaths and injuries -- particularly to children under 16 years old -- involving these products. ATV sales increased dramatically during that time, including more than a tripling between 1980 and 1985. Most of the ATVs produced during that period were three-wheeled vehicles.

The CPSC issued an Advance Notice of Proposed Rulemaking ("ANPR") in May 1985. In December 1987, the Department of Justice, at the Commission's request, filed a lawsuit in federal district court under Section 12 of the Consumer Product Safety Act against the five major distributors of ATVs. The lawsuit, filed simultaneously with a Preliminary Consent Decree, sought a declaration by the court that ATVs constituted an "imminent hazard" and requested remedial relief. The matter was settled with the court's approval of Final Consent Decrees ("Consent Decrees") on April 28, 1988. The ANPR was subsequently withdrawn.

The Consent Decrees stopped the sale of three-wheeled ATVs, prohibited the sale of adult-sized ATVs for children, implemented a nationwide riders' training program, and required warnings on ATVs and at the point of sale. The Consent Decrees also required distributors to make a good faith effort to develop a voluntary safety standard for ATVs.

The Commission's most recent data show that, after gradually declining from an estimated 347 deaths in 1986, the number of deaths associated with ATVs has stabilized at an average of roughly 240 annually from 1990 to 1994. Furthermore, the risk of death has remained relatively constant since 1991, at roughly 0.8 deaths per 10,000 four-wheeled ATVs in use, after gradually dropping to that level from a previous high of 1.5 in 1985. The estimated number of injuries has shown a similar trend. After gradually declining from an estimated 108,000 injuries in 1986, the number of injuries has stabilized at an average of about 62,000 from 1990 to 1995. Of particular concern is that almost 40% of all deaths and injuries still occur to children under age 16.

The Consent Decrees expire in April 1998. The Commission must therefore decide what, if any, action should be taken to address the deaths and injuries associated with ATVs. To make an informed decision the Commission needs, among other data, to obtain information from a consumer exposure survey on current ATV usage and risk patterns, and how these patterns have changed

since the Consent Decrees went into effect in 1988.

**2. How the information will be used.**

The information obtained from the survey has two primary uses. First, the results of the survey will be compared to those of earlier ATV exposure surveys (conducted in 1986 and 1989) to evaluate changes in the characteristics and use patterns of non-occupational ATV drivers over time.

Second, data from the exposure survey on the general riding population will be analyzed with data obtained from in-depth investigations of persons who were injured using ATVs for non-occupational purposes to determine and quantify risk factors. (The Commission's Directorate for Epidemiology and Health Sciences is currently conducting these in-depth investigations.) This risk analysis will reveal current risk patterns and how they have changed since the late 1980s.

**3. Planned use of improved information technology or technical/legal impediments to further burden reduction.**

This is a one-time national telephone survey of households that will impose only the minimum burden necessary to obtain the information it seeks.

**4. Efforts to identify duplication.**

The Commission staff has contacted the Specialty Vehicle Institute of America (SVIA), a national trade association for five major ATV distributors, a user group, and several state governmental agencies (in California, Wisconsin, Michigan) to determine the availability of data that might duplicate the ATV exposure information we are seeking.

In general, user groups collect some demographic information, but only on members of their organization. Additionally, some of the state agencies collect information on ATV-related injuries in their states. However, none of this information can be used in our analysis. Aside from the spotty nature of this information, none of it is national or representative of the ATV-riding population as a whole.

The SVIA's director of research (Ms. Patricia Murphy) was aware of two national ATV surveys conducted by industry since 1990. These surveys, as well as past exposure surveys conducted by the CPSC, are discussed below. None are adequate for our purposes.

The two industry surveys were conducted in 1990 and 1994. The 1990 survey was a random-digit-dial survey of motorcycle

ownership conducted by the Motorcycle Industry Council (MIC) to meet the informational and marketing needs of its members. Although the focus of the survey was on motorcycles, the survey also collected information from about 600 ATV-owning households. The 1994 survey was sponsored by four of the major ATV distributors to estimate the number of ATVs in use in order to estimate ATV injury and fatality risks. This survey was conducted by National Family Opinion, Inc. from its national consumer mail panel and collected information about the ATVs owned by residential households.

Neither of these industry surveys, however, is sufficient for the Commission's purposes. The 1994 survey collected no information on ATV drivers and their use patterns, information that is critical in evaluating ATV use and hazard patterns. The 1990 MIC survey, in contrast, did collect some information on the ownership and use of ATVs. However, the data from this survey are too old to be of value to the CPSC in evaluating current ATV use and hazard patterns.

The CPSC has conducted two previous ATV exposure surveys, the first in 1986 and the second in 1989. The 1986 survey collected information from about 660 ATV-owning households on the characteristics of drivers, ATVs in use, and use patterns. It was conducted by Market Facts, Inc. from its consumer mail panel, and was part of the initial ATV research effort by CPSC staff. In addition to providing information on the characteristics and use patterns of ATV drivers, it was used in an analysis of ATV risk patterns and, ultimately, in the development of regulatory strategies.

The 1989 survey collected similar exposure information from about 830 ATV-owning households and 200 non-owning households (i.e., borrowers). This survey was conducted by National Family Opinion, Inc., from its consumer mail panel, and was used by the Commission to provide updated information on ATV use and risk patterns and to help determine the potential effectiveness of certain stability requirements for ATVs that were being considered by engineering staff.

Both the 1986 and 1989 ATV exposure surveys collected the same type of information that we intend to collect with the present exposure survey. However, neither is fully adequate for our purposes since the data are now 8 or more years old. These data consequently shed inadequate light on current ATV use and risk patterns that are essential in determining the appropriate ATV policy strategies.

The CPSC also conducted a somewhat limited survey in 1987 to support the 1987 lawsuit filed by the Department of Justice in federal district court. Although some information was gathered on drivers and ATVs in use, the focus was on the size and operation of the secondary market for (used) ATVs and did not

collect the information we would need to evaluate driver use and risk patterns. Additionally, like the 1986 and 1989 exposure surveys, the data from this survey are too old to be of substantial value in evaluating current use and risk patterns.

**5. Impact on small businesses or other small entities.**

Not applicable.

**6. Consequences to Federal program or policy activities if the collection is not conducted or conducted less frequently.**

Because the ATV Consent Decrees expire in 1998, the Commission must decide what, if any, actions should be taken to address the deaths and injuries associated with ATVs. At the present time, however, there is little detailed information on how ATV usage and risk patterns have changed in the years since the Consent Decrees were signed. Consequently, if the survey is not conducted the quality of the Commission's decision will be diminished.

**7. Explain any special circumstances.**

Not applicable.

**8. Publication in the Federal Register.**

Agency's Federal Register Notice

Attached is a copy of the agency's Federal Register notice requesting public comment on the proposed survey to determine consumer exposure to the hazards associated with the use of all-terrain vehicles. The notice was published on April 15, 1997, at pages 18333-4.

In response to the Federal Register notice, copies of the survey questionnaire were requested by and sent to Mr. Michael Brown, Esq., Ms. Mary Ellen Fise, Mr. Ted Wait, Dr. Edward Heiden, Mr. Ted Graney, Esq., Mr. Christopher Williams, and Mr. Roger Pardieck, Esq.

Public comments (attached) were received from three individuals or organizations.

Response to Comments by Mr. Mark Strauch

In a two paragraph letter dated April 22, 1997, Mr. Mark Strauch commented that the Commission did not need the exposure

survey to find that ATVs present an "unreasonable risk."

To exercise its statutory responsibilities, the Commission relies on a broad base of information regarding the nature of the risk of injury due to a consumer product, and the potential effectiveness of regulatory and other alternatives for addressing the risk. The exposure survey will provide information needed to evaluate how the Consent Decrees affected ATV use and risk patterns. It also will provide information to enable the Commission to evaluate other mechanisms for reducing ATV hazards.

#### Response to Comments on Behalf of Five ATV Distributors

Industry comments were contained in a June 5, 1997, memorandum prepared by Heiden Associates, Inc. These comments were transmitted by David P. Murray, Esq., in a letter dated June 5, 1997, and submitted on behalf of American Honda Motor Company, Inc., Kawasaki Motors Corporation, U.S.A., Polaris Industries, Inc., American Suzuki Motor Corporation, and Yamaha Motor Corporation, U.S.A. Industry comments acknowledge that enlarging the sample and the questionnaire (as they recommend) would raise costs and respondent burden. Each of the recommendations is discussed below.

A. Heiden Associates (hereafter industry) commented that the present survey will underestimate the use of ATVs by excluding businesses which use ATVs and thereby overestimate the overall risk of ATV riding. As a remedy, they suggest that a "separate comprehensive survey" be conducted to capture business use.

While information on the use of ATVs in business settings may be interesting, it is not directly relevant to the purpose of the survey effort: to provide information to assist the Commission in evaluating the safety of ATVs as a consumer product. Additionally, it should be noted that the CPSC does not systematically collect information on occupational-related injuries through its injury reporting system, the National Electronic Injury Surveillance System (NEISS). Exposure information about the business use of ATVs cannot be used in the planned ATV risk analysis, which will be based on both NEISS-reported injuries and the exposure survey. Moreover, any "potential" overestimate of risk caused by not capturing information on the business use of ATVs will be offset by not including business-related injuries in the risk analysis.

It is also noteworthy that the commenter conducted a 1994 survey of ATVs in use (see Item 4, above), which was explicitly designed to estimate the numbers of ATVs in use and ATV injury risks. The industry survey did not collect information on the business use of ATVs. (See, Heiden Associates, Inc., "Four-Wheel ATV Operability Rates, Population and Risk," March 20, 1997.)

Thus, at that time, collecting information on the business use of ATVs was not considered necessary for evaluating ATV riding risks. The comment does not offer an explanation for the need to include it now.

B. Industry suggests that the survey be expanded to include drivers from non-owning households to estimate their riding time. However, expanding the survey in this way would not meaningfully contribute to CPSC's analysis of use and hazard patterns. Moreover, it is not necessary to interview non-owners to get an estimate of their riding time.

The CPSC's 1989 ATV exposure survey, at the request of industry, collected information on a sample of drivers from non-owning households. The results showed that the demographic characteristics of non-owning drivers were similar to drivers from owning households. (The main difference between riders from owning and non-owning households was that non-owners rode less.) Furthermore, neither CPSC or industry (in subsequent analysis of the CPSC data) used these data productively. This was partly because riders frequently could not provide information on the characteristics of vehicles they rode but did not own. For example, non-owning users often could not specify the model type or engine size of the one or more ATVs they had used. Both the CPSC and industry therefore restricted the risk analyses to drivers in households that owned ATVs, an approach that allowed an evaluation of the underlying ATV risk patterns.

Moreover, the CPSC notes that the planned survey already addresses the industry recommendation to capture the riding time of drivers in non-ATV-owning households. The following question will provide an approximation of the proportion of riding time accounted for by drivers from non-owning households:

Considering all the hours that your ATVs are driven,  
what percentage of the time are they driven by persons  
who are not members of your household? \_\_\_\_\_%

C. Industry recommends that we capture the riding time of passengers by adding a substantial number of questions on passenger use.

The survey already asks whether the driver carries passengers frequently, sometimes, rarely, or never. However, to address this comment we have added the following question:

"Thinking about all the time you use an ATV, for every  
10 hours of ATV use, about how many hours would you  
estimate you carry a passenger?"

The response to this question will provide an approximation of the proportion of riding time that drivers carry passengers. It will also provide information that will help the Commission

decide whether further efforts to reduce the practice of carrying passengers is warranted. Beyond this, industry fails to make a case for the utility of asking a substantial number of questions about the characteristics of passengers. Information from such questions would play little, if any, role in an analysis of ATV use and hazard patterns of ATV drivers.

D. Industry asserts that using a proxy respondent for drivers under age 16 may result in inaccurate information and underestimates of riding time by children. The comment provides no rationale for its assertion that the use of proxy respondents would result in underestimates of ATV use by children.

CPSC does not believe that children will provide more reliable information than parents as proxy respondents. Moreover, the use of parents as proxy respondents avoids having to interview very young children; some drivers are as young as age 6 years. Our contractor advises that many parents are reluctant to subject their children to questioning. Most of the questions are objective, asking about the characteristics of the driver and the ATV driven, and therefore can easily and accurately be answered by proxy respondents.

E. Industry recommends that the survey collect information on all drivers in households with multi-drivers, rather than with only one driver selected at random.

The survey contractor advised CPSC of substantial practical problems in collecting information from each rider, such as frequent call-backs and excessively long interviews that may try the patience of respondents (especially in households with many drivers).

F. Industry recommends a market panel survey rather than a random-digit-dial (RDD) survey because industry believes the ability of the RDD methodology to produce pure national probability samples has eroded in recent years.

Although the CPSC recognizes that a panel survey has a cost advantage, a market panel may have some unknown biases associated with its self-selection. That is, there may be some question about how well the panel represents the general population. Consequently, because panels are not true probability samples, the theoretical underpinnings of statistical theory may not clearly apply.

In contrast, the major strength of probability sampling through a RDD survey is that the probability selection mechanism more clearly permits the use of statistical theory to examine the properties of the sample indicators. Thus, estimators with little or no bias can be used and estimates of the precision of sample estimates can be made. A RDD survey is therefore the preferred sampling method from a statistical standpoint.

Additionally, we are planning to address some of the potential shortcomings of RDD surveys. For example, the contractor will weight the results for (i) the number of telephones in the household, and (ii) nonresponse.

G. Industry comments that the exposure survey should be conducted monthly, over a twelve-month period, in order to adjust the results for the seasonal use of ATVs.

The primary goal of the survey is to determine long term changes in ATV usage and risk patterns. We have no need to adjust the results of the analysis for the seasonal use of ATVs to do this. Conducting the survey at one point in time, as is currently planned, will provide us with sufficient information on the characteristics and use patterns of ATV drivers to evaluate how the usage and risks associated with ATVs have changed since the Consent Decrees went into effect.

H. Finally, industry suggested several specific changes to individual questions. We have made all of these changes, including:

- i) Expanding the maximum value for the number of ATVs and drivers per household;
- ii) Allowing possible responses of less than one month for riding experience;
- iii) Expanding the question on training. If respondents report that they learned to operate an ATV in an organized training program, we now ask them the name of the training organization;
- iv) We have expanded the definition of an ATV in the introduction to include the phrases "a seat designed to be straddled" and "handlebars for steering."

Response to Comments of Public Citizen, Consumer Federation of America, and U.S. Public Interest Research Group

A single submission from three groups (Public Citizen, Consumer Federation of America, and the U.S. Public Interest Research Group) was received on June 16, 1997. The commenters believe that the planned survey inadequately collects information to help CPSC reduce ATV-related deaths and injuries to children. Specifically, they state that the draft survey will not provide data about why children continue to be killed and injured on ATVs in spite of the provisions of the consent decree. The consumer group comment seeks information regarding two significant components of ATV safety for children: a) point-of-sale conditions, and b) the behavior of sellers with respect to age requirements.



The CPSC agrees with the significance of the issues, but disagrees that the survey is the appropriate vehicle for this information collection. The exposure survey will interview one respondent per household about ATVs that may have been purchased years ago. Even recent point-of-sale conditions are difficult to recall accurately. Since such questions would yield information of questionable validity and would greatly expand the length of the survey, they will not be asked. However, CPSC notes that some of the issues raised in the comment are being addressed in other ways. For example, both the ATV distributors and the CPSC monitor dealer compliance with the age recommendations and other warnings required by the Consent Decrees by conducting periodic undercover investigations of dealers. Each distributor of ATVs is required to conduct undercover investigations. The distributors report the results of these investigations to the CPSC quarterly.

The distributor-conducted investigations sometimes reveal other facets of dealer non-compliance with the Consent Decrees, such as the absence of hang tags on vehicles or failure to display safety posters at the dealership. Additionally, ATV distributors have assured the CPSC that they affix the warning labels required by the Consent Decrees on all ATVs shipped to dealers. This claim is easily verifiable without asking survey respondents. Indeed, the overall results of the CPSC-conducted undercover investigations generally have been consistent with the results obtained by industry. Thus, CPSC already has information concerning the extent of dealer compliance with the age requirements of the Consent Decrees.

To support its contention that it is important to find out why parents ignore warnings against the use of adult-sized ATV by children, the comment recommends asking survey respondents for their reasons and (separately) conducting follow-up interviews of parents of children who died or were injured on ATVs. The CPSC believes that asking survey respondents (who acknowledge that there is a child ATV rider in the household) why they disregarded or ignored warnings against the use of adult-sized ATVs by children is inappropriate. Even if carefully crafted, such questions tend to be accusatory, suggesting that respondents do not know how to take care of their children, and consequently are unlikely to yield truthful answers. Further, if the respondent is offended by a question, there might be a detrimental effect on the remaining questions of the interview.

If CPSC determines that it must obtain additional information on these types of behaviors, more appropriate sources would include focus groups (funds permitting) in which parents can discuss their behavior in detail or the research literature. Similarly, the more speculative questions suggested by the comment (such as asking respondents "what if" they had been provided with different information at the point-of-sale) are more appropriately discussed in a face-to-face setting that

allows expanded responses.

The comment also suggests that the survey ask respondents who had heeded the warnings to not let children ride ATVs which warnings work best. CPSC, however, believes that these sorts of questions would provide little assistance in determining the relative importance of the various warnings. Under the Consent Decrees, warnings that children should not ride adult-sized ATVs are communicated in a number of ways, including in owners' manuals, in labels affixed to the ATV, in safety posters displayed at each dealership, in promotional ads in the media, and in safety videos available for viewing at each dealership. It is unlikely that respondents who heed the warnings with respect to the age requirements would be able to recall and gauge the relative importance of the age warnings, many of which may have been communicated years earlier. A better source for this type of analysis is the existing literature on the effectiveness of warnings.

The CPSC has accepted some specific recommendations made in the comment and, accordingly, will add the following questions to the survey:

If the respondent reports that an ATV was purchased as a used vehicle:

1. "Was the ATV purchased from a dealer or from a previous owner?"

If the respondent reports that people outside the immediate household rode the ATV during the previous month:

2. "How many of these riders were under age 16? \_\_\_\_\_"

If the respondent did not learn to ride in an organized training program, and rides an ATV that was purchased new after the Consent Decrees went into effect (i.e., a model year after 1988):

3. "Why didn't you choose to take formal training through an organized training program after you purchased your ATV?"

- a) No training was offered when I bought my ATV.
- b) I already knew how to ride
- c) It wasn't worth my time
- d) other --> Specify \_\_\_\_\_

For all respondents:

- 4) "Thinking about all the time you ride your ATV, what proportion of the time would you say you ride on private, as opposed to public lands? \_\_\_\_\_%"

In summary, this comment raises important issues and

questions with respect to ATV safety for children. However, the principal goal of the exposure survey is to gain a better understanding of actual ATV use patterns, to be used in comparison with older surveys and with a concurrent injury survey. Furthermore, we do not believe that the exposure survey is the appropriate tool either for discerning dealer compliance with the requirements of the Consent Decrees or for obtaining greater understanding of parents' behavior. Using the survey for these purposes would greatly lengthen the survey, might antagonize respondents, and would provide information of questionable validity.

Efforts to consult with persons to obtain views on availability of data

See Item 4 above.

Consultation regarding recordkeeping requirements

This is a one time survey that imposes no recordkeeping requirements. Consequently, no consultation is required on the frequency of collection or recordkeeping.

**9. Explanation for providing payment or gift to respondents.**

Not applicable. We will not provide any payment or gift to respondents.

**10. Assurance of confidentiality.**

All data gathering efforts will comply with the U.S. Privacy Act of 1974. An assurance of confidentiality will be made to the respondent as part of the introduction to the survey. Since a random digit dialing sampling procedure will be used, respondent names will not be known. A Computer Assisted Telephone Interviewing (CATI) system will be used for data collection. The sample file that contains the telephone numbers will be password protected and accessible only to survey managers and programmers. Neither the respondent telephone numbers nor any other identifying information will be provided to the government.

**11. Sensitive questions.**

The survey asks about the use of alcohol by ATV drivers when they are operating ATVs. This question, which follows, was originally included in the 1989 survey at the request of industry because they believed drinking was an important factor in explaining risk.

In general, do you use alcoholic beverages either before or when operating ATVs, (1) frequently, (2) sometimes, (3) rarely, (4) never.

**12. Estimate of respondent burden.**

There will be approximately 500 respondents to this survey. Based on the results of a similar 1989 survey by CPSC, discussion with the survey contractor, and test-runs administered to CPSC staff, the average interview will last up to 20 minutes. Because the survey will be conducted only once, the total hour burden will be approximately 167 hours (500 interviews x .334 hours/interview).

The cost to respondents, in terms of the value of time required for the survey interviews, will be about \$2,000. This estimate is based on an estimated 167 burden hours valued at \$12 per hour (167 hours x \$12/hour = \$2,004), the average hourly wage in the private sector.

**13. Total annual cost burden to respondents or recordkeepers from data collection.**

Not applicable. All the costs are described in Item 12 and Item 14.

**14. Estimate of cost to Federal government.**

The one-time cost to the Federal government will consist of contractor expenses, which are required to carry out the survey, and in-house costs associated with the draft questionnaire preparation, task statement preparation, internal review, OMB clearance procedures, design of the questionnaire, managing the survey contract, evaluating the survey results, and report writing.

The exposure survey will be performed by a contractor at an estimated cost of about \$200,000. This estimate is based upon a detailed breakdown of the operational expenses and quantification of staff hours required to complete each task of the survey contract.

The in-house management of the survey, including draft questionnaire preparation, task statement preparation, internal review, OMB clearance procedures, evaluation of proposals, and contract management, will require about 1/3 year of professional staff time at an average staff level of GS-13, or about \$20,000. Secretarial costs will amount to about 1/6 year at a GS-7 level, or about \$5,000. Finally, the analysis of the survey results will require about another 1/3 year of professional staff time at a GS-13 level, or about \$20,000.

The total cost to the government, including contractor expenses and in-house staff time to manage the survey contract and analyze the survey results, will therefore be about \$245,000.

**15. Reasons for any program changes.**

Not applicable.

**16. Outline plans for tabulation and publication along with a schedule.**

Staff plans to provide reports describing the results of the exposure survey and the ATV risk analysis in a briefing package to the Commission and to the public no later than the end of March 1998. This date is necessitated by the need to provide the Commission with the results of the ATV surveys and analyses before the expiration date of the Consent Decrees in April 1998.

The in-depth investigations of ATV injuries began in May 1997 and will be completed at the end of July. (The in-depth investigations had to be completed by July 1997 to allow sufficient time for the evaluation of injury and hazard patterns and to complete the risk analysis by March 1998.)

Because of the timing of the in-depth investigations, the Commission will conduct the exposure survey in a time period as close to the injury data collection as possible to ensure comparability.

If OMB clearance is granted by September 1, the survey could begin by the middle of the month. The actual interviewing will take about two months to complete, and the contractor will transfer the exposure data to the CPSC for analysis by mid-December. This will allow about 3.5 months between the time when the data are received and the end of March when the reports and a briefing package are required. During this 3.5 month time frame staff will have to provide ADP and technical support, evaluate and edit the database for internal consistency, integrate it with the injury survey database, conduct a risk analysis, write reports, review by management, and prepare a briefing package describing the results. Given that this time period also includes the holiday season, this schedule is extremely tight.

**17. Approval not to display the expiration date for OMB approval.**

Not applicable.

**18. Exceptions to the certification statement.**

## **B. Collection of Information Employing Statistical Methods**

1. **Provide numerical estimates of the potential respondent universe and selection methods used and indicate expected response rates.**

The potential respondent universe consists of non-institutionalized adults residing in households with telephones in the contiguous United States, about 88.4 million (Bureau of Census, 1993 American Housing Survey). The target population for the survey is owners of ATVs in the United States. Individuals who use only rented or borrowed ATVs are not eligible for the survey. A sample of households owning one or more ATVs will be selected first and then an ATV user from the household will be selected at random.

According to industry sources, the incidence of ATV ownership among U.S. households is estimated at about 2.8 percent, but varies significantly according to Census region (see Table 1 below for regional differences). The sampling technique used will be a single-stage list-assisted random-digit-dialing method. The sample will be stratified to increase the observed incidence to 3 percent or greater. Similar surveys have been conducted previously using consumer panel surveys, but the response rates from a panel bear no relation to a random-digit-dialing survey. Response rates predicted for this survey are 75 percent for the screener questionnaire and 90 percent for the interview.

**Table 1: U.S. Households, Potential Respondent Universe, and Completed Interviews**

| Survey Stratum | U.S. Households with Telephones | Potential Respondents (ATV-owning Households) | Completed Interviews |
|----------------|---------------------------------|---|----------------------|
| Full Survey    | 88.4 million                    | 2.5 million                                   | 500                  |
| Northeast      | 17.9 million                    | 0.3 million                                   | 39                   |
| Midwest        | 21.7 million                    | 0.75 million                                  | 161                  |
| South          | 30.8 million                    | 0.97 million                                  | 205                  |
| West           | 18.0 million                    | 0.48 million                                  | 95                   |

## 2. Procedures for Information Collection

### Statistical Methodology

#### Sample Selection

The list-assisted RDD sample will be selected using the latest version of the Marketing Systems Group's (MSG) proprietary list-assisted RDD system, called the GENESYS Sampling System. This system uses the AT&T master tape of combinations of area codes and central office codes as the basis for constructing a sampling frame of banks of 100 consecutive telephone numbers.

Following the creation of the 100-number banks, the most recent release of the Donnelly Marketing Information Services (DMIS) data file of residential, directory-listed telephone numbers is used to identify the banks of 100 consecutive telephone numbers that contain zero directory-listed telephone numbers -- that is, banks of 100 numbers that have a low probability of containing working residential numbers. These banks are deleted from the sampling frame. There is a possibility that some households with telephones in the zero banks will have a zero probability of selection. But the number of such households is small and therefore no bias in the results is expected due to their exclusion.

The GENESYS Sampling System updates the working banks quarterly. Twice a year, the full data base is updated. This process includes adding new area code/central office codes and updating the count of directory-listed households in each bank of 100 consecutive telephone numbers.

The GENESYS Sampling System provides a program for selecting the equivalent of a simple random sample of ten-digit telephone numbers. The MSG list-assisted, RDD system incorporates a capability for screening out a portion of the nonworking numbers as a preliminary sample preparation activity. This component of MSG's product is called GENESYS-ID.

The GENESYS-ID system is implemented in phases. In the first phase, the sample of telephone numbers is matched against a file of business numbers listed in the Yellow Pages to exclude business numbers. At the second phase, the system sends the remaining telephone numbers to an auto-dialer. The goal of the auto-dialer is to identify a nonworking-number through a nonworking-number intercept signal. Thus the system detects nonworking-numbers, and they can be eliminated from the sample at a very low cost. The process of eliminating zero banks and nonworking numbers, results in a working residential number rate of 57% in national samples.

## Stratification

To obtain a sample that is representative of all the four census regions in the U.S., the population of households will be stratified by census regions and a sample drawn from each region. The Neyman allocation will be used to reduce the number of households that need to be screened, taking advantage of the differential percentages of ATV owners in the different regions of the U.S.

The total number of households required under simple random sampling is first allocated to each stratum using Neyman allocation. This allocation is based both on the number of households and the proportion of ATV owners in each stratum. The number of households to be screened in the  $h$ th stratum, say  $n_h$  is proportional to the product  $N_h S_h$  where  $N_h$  is the number of households in the  $h$ th stratum and  $S_h = (P_h Q_h)^{1/2}$ .  $P_h$  is the proportion of ATV owners in the  $h$ th stratum and  $Q_h = (1 - P_h)$ . Since this allocation is more efficient than proportional allocation, the number of ATV users expected in the sample will be larger than required with the same total number of households screened. This will result in a sample that is larger than needed to reach our objective of 500 completed interviews. To reduce unnecessary screening, we reduce the sample size in the first stratum because this has the smallest percentage of ATV users and will result in the largest reduction in the size of the screening sample of households.

The telephone exchanges in each census region will be further stratified into four groups depending on the population of the metropolitan area, city, town or rural area: 1) less than 100,000, 2) 100,000-499,999, 3) 500,000-1,999,999, and 4) 2,000,000 and over. Telephone exchanges associated with each stratum will then be grouped.

The total sample of telephone numbers in each region will then be allocated to each group using the same method as was used above to allocate the sample between regions. This allocation will reduce the number of screening calls necessary. The sample of telephone numbers in each stratum will be selected in the form of replicates, each replicate being a random sample from the population of working banks of telephone numbers. This is done for purposes of survey administration and to make it easier to track the sample for response rates.

## **Estimation Procedure**

For producing population-based estimates of the totals, means, and proportions, each respondent will have a sample weight. This weight combines the basic weight (which reflects the probability of selection of the household's telephone number), an adjustment for households that have multiple



telephone numbers, and an adjustment for unit non-response. The resulting weighted data yield estimates for all persons that have telephones.

The basic sampling weight equals the reciprocal of the probability of selection of the telephone number that relates to the selected household. For example, if  $N$  equals the number of phone numbers in the banks of phone numbers with one or more directory-listed numbers in a stratum and  $n$  is the actual number of phone numbers selected from these banks and dialed, then the basic sampling weight is given by  $w=N/n$ .

The second step is to adjust the basic weight of households that have multiple telephone numbers. This adjustment compensates for the higher probability of selection of households with two or more telephone lines. If  $A_i$  is the number of telephone lines in the  $i$ -th household, then the weight  $w$  for that household is multiplied by the factor  $1/A_i$ . The third step in the weighting process is the nonresponse adjustment. This will be done after forming suitable weighting classes.

### **Degree of Accuracy**

Estimates will be based on data collected from 500 completed interviews. With a sample of 500 persons, we will be able to estimate the population percentages of characteristics of ATV users, within plus or minus 4.4 percentage points at the 95 percent confidence level. The population percentages are assumed to be around 50 percent. If the percentages depart from 50 percent, then the standard errors will be smaller. Standard errors of the estimates will be computed using the SUDAAN software.

### **Unusual Problems Requiring Specialized Sampling Procedures**

Not applicable.

### **Less Frequent Data Collection**

Not applicable, this will be a one-time survey.

### **3. How Response Rates Will Be Maximized**

Response rates will be maximized by making up to eight callbacks conducted at various times of day and during both weekdays and weekends. Interviewers will receive refusal aversion training and refusal conversions will also be attempted. The information collection is a probability sample and will be generalizable to the universe studied.

#### **4. Tests of Procedures or Methods**

The survey contractor will conduct a pretest of the questionnaire with no more than nine respondents.

#### **5. Statistical Consultation**

Statistical consultation was provided by

K.P. Srinath, Ph.D.  
Abt Associates  
Phone: 301-941-0272

Michael Battaglia  
Abt Associates  
Phone (617) 349-2425

**COMMODITY FUTURES TRADING COMMISSION****Sunshine Act Meeting**

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 62 FR 16563.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10:00 a.m., Monday, April 28, 1997.

**CHANGES IN THE MEETING:** The Commodity Futures Trading Commission has changed the time of the closed meeting to discuss Enforcement matters to 10:30 a.m.

**CONTACT PERSON FOR MORE INFORMATION:** Jean A. Webb, 418-5100.

Jean A. Webb,  
*Secretary of the Commission.*

[FR Doc. 97-9869 Filed 4-11-97; 2:35 pm]

BILLING CODE 6351-01-M

**COMMODITY FUTURES TRADING COMMISSION****Sunshine Act Meeting**

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 62 F.R. 16563.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10:30 a.m., Monday, April 28, 1997.

**CHANGES IN THE MEETING:** The Commodity Futures Trading Commission has changed the time of the closed meeting to discuss Enforcement Quarterly Objectives to 11:00 a.m.

**CONTACT PERSON FOR MORE INFORMATION:** Jean A. Webb, 418-5100.

Jean A. Webb,  
*Secretary of the Commission.*

[FR Doc. 97-9870 Filed 4-11-97; 2:35 pm]

BILLING CODE 6351-01-M

**CONSUMER PRODUCT SAFETY COMMISSION****Proposed Collection; Comment Request—All-Terrain Vehicle Exposure Survey**

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Notice.

**SUMMARY:** As required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Consumer Product Safety Commission requests comments on a proposed survey to determine consumer exposure to the hazards associated with the use of All-Terrain Vehicles. All-Terrain Vehicles ("ATVs") are three- and four-wheeled motorized vehicles, generally characterized by large, low-pressure tires, a seat designed

to be straddled by the operator, and handlebars for steering, which are intended for off-road use by an individual rider on various types of non-paved terrain. (Three-wheeled ATVs were last made in the late 1980s.) If conducted, the survey would seek information such as the characteristics of ATV users, the types of ATVs in use, the amount of time ATVs are used and the various types of ATV usage. The Commission will consider all comments received in response to this notice before requesting approval of this collection of information from the Office of Management and Budget.

**DATES:** Written comments must be received by the Office of the Secretary not later than June 16, 1997.

**ADDRESSES:** Written comments should be captioned "All-Terrain Vehicle Exposure Survey" and mailed to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, or delivered to that office, room 502, 4330 East-West Highway, Bethesda, Maryland. Written comments may also be sent to the Office of the Secretary by facsimile at (301) 504-0127 or by e-mail at cpsc-os@cpsc.gov.

**FOR FURTHER INFORMATION CONTACT:** For information about the proposed collection of information, or to obtain a copy of the questionnaire to be used for this collection of information, call or write Gregory B. Rodgers, Ph.D., Directorate for Economic Analysis, Consumer Product Safety Commission, Washington, D.C. 20207; (301) 504-0962, Ext. 1330.

**SUPPLEMENTARY INFORMATION:****A. BACKGROUND**

In the mid-1980s, the Commission learned of a rapidly growing number of deaths and injuries—particularly to children under 16 years old—involving ATVs. ATV sales had increased dramatically during that time, including more than a tripling of sales between 1980 and 1985. Most of the ATVs produced during that period were three-wheeled vehicles.

After studying ATVs, the Commission issued an Advance Notice of Proposed Rulemaking ("ANPR") in May 1985 (50 FR 23139). In December 1987, the Department of Justice, at the Commission's request, filed a lawsuit in federal district court under section 12 of the Consumer Product Safety Act against five major distributors of ATVs. (*United States v. American Honda Motor Co., et al.*, Civ. No. 87-3525 (D.D.C., filed Dec. 30, 1987).) The lawsuit, filed simultaneously with a Preliminary Consent Decree, sought a

declaration by the court that ATVs constituted an "imminent hazard" and requested certain remedial relief. The matter was settled with the court's approval of a Final Consent Decree on April 28, 1988, and the Commission subsequently withdrew the ANPR (56 FR 47166).

The Consent Decree has been successful in a number of areas, including stopping the sale of three-wheel ATVs and requiring dealer compliance with rider age requirements at the point of sale. However, the overall success of this and other Commission actions is ultimately determined by their impact on consumer safety. While injuries and deaths associated with ATVs declined in the late 1980s, the annual figures have plateaued since then.

The Commission's most recent data show that, after gradually declining from an estimated 347 deaths in 1986, the number of deaths associated with ATVs has stabilized at an average of roughly 240 annually from 1990 to 1994. The risk of death per 10,000 four-wheeled ATVs in use has remained relatively constant at roughly .8 since 1991, after gradually dropping to that level from a previous high of 1.5 in 1985.

The estimated number of injuries has shown a similar trend. After gradually declining from an estimated 108,000 injuries in 1986, the number of injuries has stabilized at an average of about 62,000 from 1990 to 1995. Approximately 40% of all deaths and injuries occur to children under 16.

The Consent Decree expires in April 1998. Therefore, the Commission must decide what, if any, action should be taken to address the deaths and injuries associated with ATVs after that date.

An ATV exposure survey would provide information on the characteristics and use patterns of the general population of ATV riders, and the ATVs they use. This information would be compared to earlier ATV exposure surveys conducted in 1986 and 1989 to evaluate changes over the last decade. Additionally, in combination with a planned injury survey, the exposure survey would provide information to quantify ATV risk patterns.

**B. Estimated Burden**

The exposure survey would be conducted by a contractor by either a mail panel methodology or a probability sample using random-digit-dialing ("RDD") methods. A mail panel would permit the Commission to obtain a sample size of approximately 1,000 completed interviews with ATV users. If

RDD methods were used, the sample size objective would be 500 completed interviews instead of 1,000 because of the small percentage of households that have ATVs (only two to three percent of households). This smaller sample for the RDD method would be done to keep the cost of the survey to a reasonable level and still provide reliable statistical results.

Thus, the Commission staff estimates that the number of interviews would range from about 500 (RDD) to 1,000 (mail panel). The length of each interview would be approximately 20 minutes. Therefore, the total burden hours for respondents would be about 165 hours (500 x .33 hrs.) for the RDD survey or about 330 hours (1000 x .33 hrs.) for the mail panel.

The Commission staff estimates the costs of the time to respond to this collection of information at \$12 an hour. This is the average hourly wage for all private industry workers reported by the U.S. Bureau of the Census in the 1996 edition of the Statistical Abstract of the United States. At this valuation, the estimated cost of this survey to the public would be about \$1,980 (165 hours X \$12/hour) to \$3,960 (330 hours X \$12/hour).

The Commission staff estimates that this collection of information would require approximately 18 weeks of professional staff time. That estimate includes five weeks to negotiate contracts, and to prepare questionnaires, interviewer guidelines, and other instruments and instructions used to collect the information. After the information collection, an additional 13 weeks would be required to edit and analyze the data and write the reports. Based on the average professional level, the 18 weeks of staff time would be valued at approximately \$30,000.

#### C. Requests for Comments

The Commission solicits written comments from all interested persons about the proposed survey. The Commission specifically solicits information about the hourly burden and monetary costs imposed by this collection of information. The Commission also seeks information relevant to the following topics:

- Whether the exposure survey described above is necessary for the proper performance of the Commission's functions;
- Whether the information would have practical utility for the Commission;
- Whether the quality, utility, and clarity of the information to be collected could be enhanced; and
- Whether the burden imposed by the collection of information could be minimized by use of automated, electronic or other

technological collection techniques, or other forms of information technology.

Dated: April 10, 1997.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 97-9696 Filed 4-14-97; 8:45 am]

BILLING CODE 8355-01-P

## DEPARTMENT OF DEFENSE

### Department of the Air Force

#### Proposed Collection; Comment Request

**AGENCY:** Deputy Chief of Staff, Personnel; Human Resources Development Division (HQ USAF/DPCH).

**ACTION:** Notice.

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Human Resources Development Division announces the proposed revision to AF Form 2800, Family Support Center Individual/Family Data Card; Family Support Center Interview and Follow Up Summary, AF Form 2801; Family Support Center Volunteer Data and Service Record, AF Form 2805. Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

**DATES:** Consideration will be given to all comments received by June 16, 1997.

**ADDRESSES:** Written comment and recommendations on the proposed information collection should be sent to HQ USAF/DPCH, 1040 Air Force Pentagon—5C238, Washington, DC 20330-1040, ATTN: Lt Col David Wolpert.

**FOR FURTHER INFORMATION CONTACT:** To request more information on this revised data collection instrument, please write to the above address, or call (703) 697-4720.

**Title and Associated Form:** Family Support Center Individual/Family Data Card, AF Form 2800; Family Support Center Interview and Follow Up Summary, AF Form 2801; Family Support Center Volunteer Data and

Service Record, AF Form 2805 (OMB No. 0701-0070).

**Needs and Uses:** The information collection requirement is necessary to obtain demographic data about individuals and family members who utilize the services offered by the Family Support Center. It also is a mechanism for tracking the services provided so we can keep a history of services provided as well as gathering data about the services provided. It also maintains the demographic data on volunteers and tracks their volunteer efforts.

**Affected Public:** All those eligible for services provided by Family Support Centers (all Department of Defense personnel and their families) and those who volunteer in the Family Support Center.

**Annual Burden Hours:** 1000.

**Number of Respondents:** 10,000.

**Responses Per Respondent:** 3.

**Average Burden Per Response:** 5 Minutes.

**Frequency:** Once.

#### SUPPLEMENTARY INFORMATION:

##### Summary of Information Collection

Respondents could be all those eligible for services, i.e., all Department of Defense personnel and their families. The completed form is used to gather demographic data on those who use Family Support Centers, track what programs or services they use and how often. The data elements in this form are the basis for quarterly data gathering that is forwarded through Major Commands to the Air Staff. This form is essential for record keeping and data gathering.

Carolyn A. Lunsford,

Air Force Federal Register Liaison Officer.

[FR Doc. 97-9597 Filed 4-14-97; 8:45 am]

BILLING CODE 3910-01-P

## DEPARTMENT OF DEFENSE

### Department of the Army

#### Corps of Engineers

**Intent to Prepare a Supplemental Environmental Impact Statement (SEIS) in Conjunction with Proposed Changes in Operation of Chicago Area Confined Disposal Facility at Chicago, Cook County, Illinois**

**AGENCY:** U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice of Intent.

**SUMMARY:** The Project involves changes in the operation of a confined disposal facility (CDF) built in 1984 to hold



United States  
**CONSUMER PRODUCT SAFETY COMMISSION**  
Washington, D.C. 20207

CPSA 6 (b)(1) Cleared  
6/17/97  
No Mfrs/Prvtlbrs or  
Products Identified  
Excepted by Atty e  
Firms Notified.  
Comments Processed.

**MEMORANDUM**

**DATE:** June 17, 1997

**TO :** Distribution

**Through:** Sadye E. Dunn, Secretary *S. Dunn*

**FROM :** Martha Kosh  
Office of the Secretary

**SUBJECT:** All-Terrain Vehicle Exposure Survey, FR., Vol 62,  
No. 72, April 15, 1997

ATTACHED ARE COMMENTS ON THE CA97-1

| <u>COMMENT</u> | <u>DATE</u> | <u>SIGNED BY</u>   | <u>AFFILIATION</u>  |
|----------------|-------------|--|---|
| CA97-1-1       | 4/22/97     | March Strauch  | 48 Glacier Pl<br>Livermore, CA 94550  |
| CA97-1-2       | 6/5/97      | David Murray<br>for 5 ATV<br>Manufacturers<br>("Consent Decree<br>Defendants") | Willkie Farr & Gallagher<br>Three Lafayette Centre<br>1155 21st St., NW<br>Washington, DC 20036 |
| CA97-1-3       | 6/16/97     | Lucinda Sikes  | Public Citizen Litigation<br>Group<br>1600 20th St, NW<br>Washington, DC 20009                  |
|                |             | Mary Ellen Fise  | Consumer Federation of<br>America   |
|                |             | Ed Mierzwinski   | U.S. Public Interest<br>Research Group  |

Distribution:  
Commission  
EXHR  
EC  
OGC  
EXPE

MARK STRAUCH  
48 GLACIER PL  
LIVERMORE, CALIFORNIA 94550

April 22, 1997

CPSC/OFC OF THE SECRETARY  
FREEDOM OF INFORMATION  
1997 APR 29 A 10:29

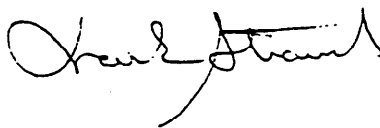
Consumer Product Safety Commission  
Office of the Secretary  
Washington, D.C. 20207-0001

Dear CPSC,

I am writing in response to: *All-Terrain Vehicle Exposure Survey*, 62  
FR 18333.

I do not believe the information survey proposed is necessary for the CPSC to execute its statutory responsibilities. I fail to understand the causal relationship between use patterns and whether a product presents an unreasonable risk of death or injury. I urge the commission to reject this proposed information collection effort.

Sincerely,



WILLKIE FARR & GALLAGHER

David P. Murray

Washington, DC  
New York  
London  
Paris

CPSC/DEC OF THE SECRETARY  
FREEDOM OF INFORMATION

1997 JUN -6 A 10: 04

June 5, 1997

**BY HAND DELIVERY**

Office of the Secretary  
U.S. Consumer Product  
Safety Commission  
Washington, D.C. 20207

Re: **All-Terrain Vehicle Exposure Survey**

Dear Sir/Madam:

This letter and accompanying memorandum are submitted on behalf of American Honda Motor Company, Inc., Kawasaki Motors Corporation, U.S.A., Polaris Industries Inc., American Suzuki Motor Corporation, and Yamaha Motor Corporation, U.S.A. (collectively, the "Consent Decree Defendants"), in response to the Commission's request for comments on the proposed all-terrain vehicle ("ATV") exposure survey. Comment Request, 62 Fed. Reg. 18,333 (Apr. 15, 1997).

The Consent Decree Defendants retained Heiden Associates to review the proposed ATV exposure survey. A copy of Heiden Associates' written comments is attached. Heiden Associates also reviewed the 1989 ATV exposure survey conducted by the Commission.

Based on the comments of Heiden Associates, the Consent Decree Defendants believe that the proposed ATV exposure survey has fundamental design problems that, if left uncorrected, will result in a significant overstatement of the risks associated with ATV use. Most notably, the proposed survey does not adequately address ATV riding exposure for business users, passengers, non-household borrowers, and youngsters under the age of sixteen.

The underreporting of ATV business use was a material problem with the 1989 exposure survey. The significant increase in commercial and business usage of ATVs since 1989 makes this an even greater problem with the newly proposed survey. For example, ATVs are used extensively on construction, land management, agricultural,

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field maintenance, and facilities management sites. It is estimated that more than 1,000 federal and state governmental agencies have purchased ATVs for a wide range of law enforcement, rescue, and other operations. The U.S. Department of Agriculture employs more than 800 ATVs, including 400 in the U.S. Forest Service. The U.S. military has also used ATVs extensively, including about 5,000 units during the Gulf War.

The Commission's proposed survey is designed exclusively for ATV-owning households, and will not obtain exposure information for workers and governmental personnel who use ATVs for business purposes but do not own them. A separate comprehensive survey is necessary to obtain exposure data for this increasingly significant segment of the ATV riding population. Without a separate business use survey, the Commission will not have a definitive or reliable picture of ATV rider exposure.

The survey flaws relating to passengers and non-household borrowers could be remedied by modification of the proposed questionnaire. Additional questions on passenger and borrower usage should be included to obtain exposure data for these persons. Although this will lengthen the survey, such data are essential for a reliable analysis of ATV-related risks. Injuries to ATV passengers remain a significant percentage of total ATV-related injuries, despite numerous industry warnings against passenger riding. Injuries to borrowers of ATVs are also included in the total of ATV-related injuries examined by the Commission. The Commission cannot accurately analyze injury risk without obtaining exposure data for these categories of riders.

The Commission's proposed use of parents as "proxy" speakers for youngsters under age sixteen presents additional concerns. Parents or other guardians frequently may not know the full extent or nature of their children's riding behavior. Although the industry recommends constant adult supervision, Kevin Breen's recent analysis of 1996 in-depth investigations of ATV-related fatalities involving children under age sixteen (presented at the CPSC ATV forum on May 6, 1997) found no adult supervision in 80% of the cases. This and other data suggest that many parents/guardians will not be able to provide accurate exposure information, leading most likely to an under-



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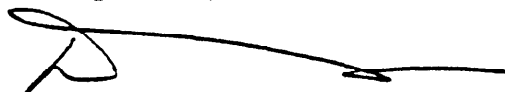
estimation of ATV usage and an over-estimation of associated risk.

The Heiden Associates' memorandum raises other issues and concerns about the survey design, methodology, and timing. The Consent Decree Defendants respectfully refer the Commission to the full memorandum for a complete presentation of these comments.

Lastly, the Federal Register notice indicates that the Commission expects to conduct the survey in late September 1997 at the earliest. The Commission staff will require an additional thirteen weeks or so after the survey is completed to review and evaluate the results. Under this proposed timetable, survey results may not be available until late January 1998. Any slippage in this schedule will make it very difficult, if not impossible, for interested persons to evaluate and respond to the survey results prior to expiration of the consent decree in April 1998.

The Consent Decree Defendants fully appreciate the complexities and costs of designing and conducting a reliable exposure survey for ATVs. The diversity of ATV users and the increasingly broad applications of ATVs do not allow for a single household survey of fifteen to twenty minutes. A more comprehensive household survey and separate business survey are necessary in order to obtain accurate and reliable exposure information. The relative costs and difficulties associated with these efforts must be evaluated in light of the extensive data that already exists about the factors involved in ATV-related accidents and injuries.

Very truly yours,



David P. Murray


cc: Michael Brown, Esq.  
Annamarie Daley, Esq.  
John Walsh, Esq.  
Michael Wiegard, Esq.

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**HEIDEN  
ASSOCIATES**

June 5, 1997

To:           ATV Consent Decree Defendants

From:       Edward J. Heiden 

Re:           CPSC's Proposed 1997 ATV Exposure Survey

The purpose of this memo is to respond to your request to comment on the draft of the ATV exposure survey that CPSC has proposed to undertake this year. Comments are of four types: (1) general comments about design problems in the survey; (2) comments on the general survey methodology, focusing on use of a market panel versus a random digit dialing survey approach (RDD); (3) comments on the timing of the survey and its analysis of hours of ATV use; and (4) specific comments on selected individual elements of the survey.

On April 15, 1997, CPSC published a Federal Register notice (Vol. 62, No. 72, pp. 18333-4) in which the agency announced that it was considering conducting an ATV exposure survey to obtain information on the characteristics of ATV users, the types of ATVs in use, the amount of time ATVs are used, and the various types of usage. It also briefly described the types of methodologies and sample approaches it was considering. CPSC indicated that it would accept comments on these issues before requesting OMB approval for any information collection effort it might make. On April 18, I spoke by telephone with Greg Rodgers, CPSC economist with chief responsibility for design and analysis of the survey, on general issues related to the survey, and indicated Heiden Associates' interest in commenting on a draft when it was available. On April 24, 1997 we received a draft copy of the survey from Dr. Rodgers.

### **I. Design Problems**

The survey as designed has some significant problems that will prevent it from delivering a reliable, accurate picture of rider exposure, particularly for the riding groups -- utility users and younger riders -- that the CPSC has indicated are most of interest to it. Many of these are problems inherent in the draft survey instrument, and cannot be meaningfully addressed without increasing the survey's length and budget somewhat dramatically. However, failure to address these problems will result in a survey that produces incomplete and therefore flawed results in some of its most important dimensions. These deficiencies will result in understatement of ATV riding exposure for four important classes of riders: business users, passengers, non-household borrowers, and youngsters

under 16. Understatement of riding time for these groups will result in significant overstatement of the overall risk of ATV riding.

#### **A. Understatement of Business, Passenger, and Non-household Borrower Ridership**

The survey has three built-in serious sources of potential understatement of ridership, that will result in significant overstatement of ATV riding risk. First, it does not include business use by drivers in households which do not own ATVs (for example, workers who use ATVs for a living but do not own them). Second, it does not capture riding time as a passenger since all the questions ask about time spent operating ATVs. Third, the survey does not capture riding time by drivers in non-ATV-owning households.<sup>1</sup>

To remedy these deficiencies completely would require: (1) a separate comprehensive survey to capture business use, since a household survey like the one proposed by CPSC is simply not designed for this purpose;<sup>2</sup> (2) a substantial number of additional questions on passenger use; and (3) inclusion of non-owning households in the sample. These additional questions would lengthen the survey fairly dramatically beyond what CPSC appears to have in mind, and would bring its length closer to the time required for each interview in its 1989 survey. We recognize that a survey of such added length might test the limits of cooperativeness on the part of some interviewees.

#### **B. Bias in Characteristics of Younger Riders**

Unlike the 1989 survey, which asked about the riding characteristics of each separate driver in multi-driver ATV households, this survey saves interview time by asking questions about only one driver per household -- the one with the most recent birthday. This approach substantially reduces the sample of drivers on whom information is collected, including younger drivers. Based on the sample size of the 1989 survey (where questions were asked about each ATV driver in the household), the reduction would be about 50 percent. The

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<sup>1</sup>Though the survey does ask what percentage of the total driving time on the household's ATVs is accounted for by riders outside the household, it does not collect information on total driving time of the household's ATVs. Thus the survey instrument does not translate extra-household driving into actual hours driven.

<sup>2</sup>Results of such a business survey would then have to be integrated with the results of the household survey.

new sample size would thus provide statistically less precise information on the characteristics of both younger and other drivers than was the case in 1989.

In addition, if the driver with the most recent birthday is under 16 years of age, the survey instructions indicate that the parent most familiar with the under-16 driver's riding behavior should answer the questions about this driver. Such "proxy" spokespersonship by parents who frequently do not know the specifics of their children's riding behavior runs the risk of leading to inaccurate and under-estimated information about under-16 riders.

## II. General Survey Methodology: Market Panel v. Random Digit Dialing (RDD)

Although the draft survey is written as a RDD survey, the Federal Register notice indicates that both RDD and market panel surveys are going to be considered by CPSC. The market panel approach has the advantage of allowing the screener question to include a picture of an ATV.

As you are aware, we have previously provided arguments for supporting a market panel approach to this type of survey rather than a RDD approach.<sup>3</sup> The ability of the RDD methodology to produce pure national probability samples has eroded in recent years, because of the following considerations:

- An increasing number of middle- and upper-income households have multiple phone-lines and, therefore, have a greater probability of selection.
- Some (predominantly low-income) households do not have a telephone and thus have a zero probability of selection.
- The techniques used to purge business telephone numbers from a RDD sample may also eliminate some household numbers and, thereby, interfere with the randomness of the resulting household sample.<sup>4</sup>

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<sup>3</sup>"Four-Wheel ATV Operability Rates, Population and Risk," Heiden Associates, Inc., March 20, 1997.

<sup>4</sup>Thomas D. Lacki, "Important quality and price issues for telephone samples," *Quirk's Marketing Research Review*, January 1990.

- Perhaps most importantly, the increasing reluctance of individuals to cooperate with surveys may bias RDD estimates. It seems to be generally accepted that participation rates are positively correlated with income and education.<sup>5</sup>

CPSC attempts to compensate for the first of these sources of bias, by including a question about the number of phone numbers the household has for voice communications. However, the question does not indicate examples (e.g., fax numbers, pagers, computer modems, etc.) of what should and should not be included in the definition of "phone number," and thus will not be answered in a consistent way.

In light of these problems with RDD-based surveys, it is important to be able to check the demographic characteristics of both respondents and non-respondents to assure that they are representative of the U.S. population of households. The wealth of demographic data available on the market panel for both respondents and non-respondents makes it possible to check demographic characteristics (in addition to those on which the panel is formally balanced) to make sure that the sample was representative. It is not possible to do these same representativeness checks with a RDD survey.

### III. Timing and Analysis of Hours of Use Surveying

The telephone survey is expected to be done in late September at the earliest. Interviewees will be asked to estimate their usage of ATVs over the past year, by first recollecting their total hours of driving in the prior month as well as how many months of the year they drove, then indicating whether the prior month's total driving time represented an "average" amount of driving relative to other months. This approach, focusing as it does on the prior month as a recollection baseline for an entire year, does not adequately recognize the difficulty of remembering past riding, including what are likely to be significant monthly differences in such riding, over a long time period such as a year. A better approach that recognizes the seasonal and monthly variability in riding would be to sample and survey respondents monthly over a twelve-month period, asking them only about their hours of riding during the prior month (though keeping other questions the same). We realize this approach, though superior methodologically, may not be practical in the timing context of consent decree deliberations.

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<sup>5</sup>Martha Farnsworth Riche, "Who Says Yes?" *American Demographics*, February 1987.

#### **IV. Comments on Specific Individual Elements of the Survey**

**Minimum/Maximum Responses to Survey Questions** A couple of questions place a maximum or minimum value on responses, which again reduces the exposure denominator (though slightly), and moreover is not necessary. The number of ATVs owned by the household is limited to be a maximum of 10 (question S5). Similarly, the number of ATV drivers is limited at a maximum of 10 (question S6). A driver's ATV riding experience is coded as at least one month (question 7), even if it is only one hour, one day, or a few times. These constraints should be lifted if CPSC goes forward with a final proposal.

**Training** Currently there is no separate question as to whether the driver completed an organized training program. The current question which asks how the driver learned to operate ATVs may not capture all drivers who took an organized training course, especially if drivers learned from more than one source.

**ATV Definition** There is a good characterization of ATVs in the Federal Register notice announcing CPSC's interest in conducting its exposure survey. Parts of this description should be incorporated into the introduction of the exposure survey, which without a picture may be somewhat ambiguous. In particular, a definition including the phrases "a seat designed to be straddled by the operator" and "handlebars for steering" would help prevent misclassification of other types of vehicles as ATVs.

**Consumer Federation of America**

### **All-Terrain Vehicle Exposure Survey**

**Comments of Public Citizen, Consumer Federation of America, and  
the United States Public Interest Research Group  
on the Consumer Product Safety Commission's Proposal  
to Conduct an All-Terrain Vehicle Exposure Survey  
62 Fed. Reg. 18333 (April 15, 1997)**

On behalf of Public Citizen, Consumer Federation of America, and the United States Public Interest Research Group (U.S. PIRG), we submit these comments in support of the Commission's proposal to conduct a survey to determine consumer exposure to the hazards associated with the use of All-Terrain Vehicles (ATVs). In light of the approaching expiration of the ATV consent decree, the Commission must have up-to-date information about the current usage of ATVs in order to decide how the hazards associated with ATVs can best be reduced. The current draft of the survey is seriously flawed, however, because it neglects to ask any questions on the key issue of concern - how the Commission can reduce ATV-related deaths and injuries to children. These comments will focus on suggestions for how the utility of the data collected in the exposure survey can be enhanced.

The ATV consent decree expires in April 1998. Despite the provisions of the consent decree, approximately 240 people die every year and an additional 62,000 are injured riding ATVs. ATVs are particularly dangerous for children -- about 40% of the deaths and injuries are to children under 16. Thus, even though a major goal of the consent decree was to reduce deaths and injuries to children, more than 80 children die and 22,000 are injured every year riding ATVs.

The exposure survey should be designed to provide the Commission with data about why children continue to be killed and injured on ATVs in spite of the provisions of the consent decree. However, the only two questions in the draft survey related to children and ATVs seek information on whether -- not why -- children ride ATVs. Question 34 asks the respondent to provide the age and sex of all the ATV drivers in the household.<sup>1</sup> The only other question on the survey related to children and ATVs is question 40 which seeks information about whether there is a warning label on the ATV

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<sup>1</sup>This question is also under-inclusive in that it would not collect data on the number and age of children who ride ATVs as passengers.

advising against children riding it. While data about how many ATVs in use do not include warning labels is interesting, data about why children ride ATVs in spite of the warning labels would be useful to the Commission in designing an alternative solution to the problems caused by children riding ATVs. The survey does not, but should, include questions designed to learn the following information whenever the respondent reveals that children ride the household's ATV:

1) Is there a warning label on the ATV? Was there a hang tag on the ATV when it was purchased? Was there a safety alert poster posted in the dealership? Did you sign a form at the dealership stating that you had been warned children should not ride adult-sized ATVs? If so, why did you decide to disregard the warnings against children riding ATVs?

2) If the ATV was purchased at a dealership, was the dealer notified that a child would be riding the ATV? How did the dealer respond? Did the dealer recommend against a child riding the vehicle? If so, why were those recommendations ignored? If the dealer did not recommend against purchase for a child, would it have made a difference to the parent if the dealer had recommended against the purchase? Would the parent have been more or less likely to have purchased the ATV if the dealer had said it was a violation of federal law for him to sell the ATV for use by a child?

It would also be useful for the Commission to know why certain ATV owners heed the warnings and do not let children ride ATVs. Such information would allow the Commission to determine which of the warning messages have been most effective. Therefore, questions about the presence of warnings and about the dealer's behavior in selling the ATVs should also be asked of those respondents who state that no children ride the household's ATVs.

In addition to the exposure survey, the Commission staff should follow up with parents of children killed or injured on ATVs to discover whether those parents had received the warning required under the consent decree, and, if they had, why they ignored those warnings.

Our organizations have repeatedly urged the Commission over the years to take two strong steps to reduce ATV-related deaths and injuries to children: (1) ban the sale of ATVs for use by children, and (2) order a recall of ATVs sold for use by children. While the Commission has considered both regulatory options, it rejected these additional protections because, in large part, it lacked the evidence to show that these steps would provide an additional level of protection above and beyond the consent decree. The Commission did not have evidence that these regulatory actions would not work; instead, the agency has simply failed to gather any evidence that would either support or weaken arguments for these regulatory actions. The ATV exposure study provides the Commission with the ideal opportunity to gather such evidence.

Our main concern with the draft survey is its failure to ask questions that will assist



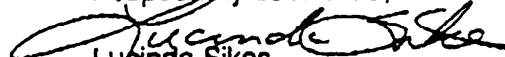
the Commission in formulating a solution to the continuing problem of children riding ATVs. However, we have a few additional comments:

- 1) Question 8 asks whether the ATV was new or used when it was obtained, but neglects to find out whether a used ATV was purchased from a dealership (where presumably more of the consent decree warnings would be apparent) or another owner.
- 2) Question 10 asks how many people outside of the immediate household have driven the ATV. This question should ask a follow-up question of whether any of the drivers were children.
- 3) Question 22 asks how the respondent learned to operate an ATV. There are no other questions directed at learning why so few drivers participate in the organized training program. The survey should ask additional questions designed to learn whether the respondent was informed about the opportunity (and incentives) to participate in a training program when the ATV was purchased, and if so, the respondent did or did not participate.
- 4) Question 28 asks about the types of terrain that the ATV is operated on. It would be useful, here, to also ask for information on whether the ATV is operated mostly on public or private lands. As the Commission is aware, state and local licensing laws are less effective when the ATV is operated solely on private lands.

\* \* \*

In sum, our organizations support the Commission's efforts to further develop the evidence about how ATVs are currently used. However, the fact that the Commission must take action to reduce the hazards posed by ATVs is not in question. The death and injury statistics, particularly to children, make clear that regulatory action is imperative. An ATV exposure survey can provide the Commission with important data to assist in its deliberations about which regulatory actions will be most effective.

Respectfully submitted,

  
Lucinda Sikes  
Public Citizen Litigation Group

  
Mary Ellen Fise  
Consumer Federation of America

  
Ed Mierzwinski  
U.S. Public Interest Research Group

DRAFT

OMB # \_\_\_\_\_

### ATV Exposure Survey Questionnaire

Hello, my name is \_\_\_\_\_. I'm calling from Abt Associates, a research firm. We are conducting a national survey for the U.S. Consumer Product Safety Commission to learn about how people use all-terrain vehicles, also known as ATV's or ATC's. Your participation in this survey is voluntary and all answers will be kept confidential. It will take approximately 15 minutes to answer these questions. (If respondent is unclear about what an ATV is, say: "All-terrain vehicles have three or four wheels, motorcycle-type engines, large soft balloon tires, as seat designed to be straddled, handlebars for steering, and are designed for off-road use on a variety of terrains")

S1. Has anyone in this household driven an ATV in the last year?

Yes.....1  
No (Skip to S3).....2  
Refused (Terminate).....7  
Don't know (Skip to S3)..8

S2. Did they ride an ATV owned by someone in the household?

Yes (Skip to S4).....1  
No.....2  
Refused.....7  
Don't know .....8

S3. Does anyone in this household own an ATV?

Yes.....1  
No (Terminate).....2  
Refused (Terminate).....7  
Don't know (Terminate)...8

S4. Altogether how may ATVs are owned by you and other members of your household? Count all ATVs regardless of how often they are used.

Number \_\_\_\_\_  
30 = 30 or more  
31 = Refused  
32 = Don't know

Continue if S1=1 and S2=1; otherwise terminate.  
If one ATV is owned, skip to S6.

S5. How many of these ATVs have been driven by members of the household in the last year?

Number \_\_\_\_\_  
30 = 30 or more  
31 = Refused  
32 = Don't know

**DRAFT**

S6. How many members of your household have driven any ATV in the last year?

| Number |                   |
|--------|-------------------|
| 30 =   | <u>30 or more</u> |
| 31 =   | Refused           |
| 32 =   | Don't know        |

If one, ask to speak with that person.  
If more than one, read the following:

For this study, I need to talk with the ATV rider in the household who had the most recent birthday. Is that you or someone else? If it is a child under age 16, I'd like to speak to the parent or guardian of the child who is most familiar with his or her ATV riding.

Already speaking to designated respondent (Skip to Q. 1)....1  
Designated respondent available (when connected,  
read introduction below).....2  
Designated respondent not available (schedule callback)....3

**DRAFT**

**INTRODUCTION**

Hello, my name is \_\_\_\_\_. I'm calling from Abt Associates, a research firm. We are conducting a national survey for the U.S. Consumer Product Safety Commission to learn about how people use all-terrain vehicles, also known as ATV's or ATC's. Your participation in this survey is voluntary and all answers will be kept confidential. It will take approximately 15 minutes to answer these questions.

I would like to start by asking you a few questions about the ATV you use most frequently (ATV #1).

|  | ATV #1 | ATV #2 | ATV #3 | ATV #4 |
|--|--------|--------|--------|--------|
| 1. Does the ATV/ATV (#____) have 3 wheels or 4 wheels?   |        |        |        |        |
| 3 wheels (Skip to Q. 3)  | 1      | 1      | 1      | 1      |
| 4 wheels   | 0      | 0      | 0      | 0      |
| Don't know   | 8      | 8      | 8      | 8      |
| 2. Does the ATV have 4-wheel drive?  |        |        |        |        |
| Yes  | 1      | 1      | 1      | 1      |
| No   | 0      | 0      | 0      | 0      |
| Don't know   | 8      | 8      | 8      | 8      |
| 3. What company manufactured this ATV/ATV (#____)? (Read list only if necessary) (Accept one response only.)   |        |        |        |        |
| Honda  | 1      | 1      | 1      | 1      |
| Yamaha   | 2      | 2      | 2      | 2      |
| Suzuki   | 3      | 3      | 3      | 3      |
| Kawasaki   | 4      | 4      | 4      | 4      |
| Polaris  | 5      | 5      | 5      | 5      |
| Arctic Cat   | 6      | 6      | 6      | 6      |
| Other, please specify  |        |        |        |        |
| Don't know   | 8      | 8      | 8      | 8      |
| 4. What is the model number and name of the ATV/ATV (#____)? (IF RESPONDENT KNOWS MANUFACTURER BUT NOT MODEL NUMBER, PROBE FROM LIST OF ATV MODELS.) |        |        |        |        |
| Model number   |        |        |        |        |
| Don't know   | 888    | 888    | 888    | 888    |
| 5. What is the model year for the ATV/ATV (#____)?   |        |        |        |        |
| Model year   |        |        |        |        |
| Don't know   | 888    | 888    | 888    | 888    |

DRAFT

6. What is the engine size in cc's (cubic centimeters) of the ATV/ATV (#\_\_\_)?  
 PROBE: ENGINE SIZE MAY BE THE SAME AS THE MODEL NUMBER.)

|             | ATV #1 | ATV #2 | ATV #3 | ATV #4 |
|-------------|--------|--------|--------|--------|
| Engine Size |        |        |        |        |
| Don't know  | 888    | 888    | 888    | 88     |

7. How long have you owned the ATV? Please give your answer in years and months.  
 (PROBE WITH WHEN DID YOU PURCHASE OR RECEIVE ATV?)  
 (IF LESS THAN ONE MONTH RECORD ONE MONTH)

|            | ATV #1 | ATV #2 | ATV #3 | ATV #4 |
|------------|--------|--------|--------|--------|
| Years      |        |        |        |        |
| Months     |        |        |        |        |
| Don't know | 88     | 88     | 88     | 88     |

8. Was the ATV/ATV (#\_\_\_) new or used when it was obtained?

|                            |   |   |   |   |
|----------------------------|---|---|---|---|
| New (Skip to Q. 10)        | 1 | 1 | 1 | 1 |
| Used                       | 2 | 2 | 2 | 2 |
| Don't know (Skip to Q. 10) | 8 | 8 | 8 | 8 |

9. Was the ATV purchased from a dealer or from a previous owner?

|                |   |   |   |   |
|----------------|---|---|---|---|
| Dealer         | 1 | 1 | 1 | 1 |
| Previous owner | 0 | 0 | 0 | 0 |
| Don't know     | 8 | 8 | 8 | 8 |

10. Other than to make repairs or for routine maintenance, have you or has anyone in your household ever installed any parts or accessories on the ATV/ATV (#\_\_\_), such as: (READ RESPONSES. CIRCLE ALL THAT APPLY.)

|                                    |   |   |   |   |
|------------------------------------|---|---|---|---|
| Different tires or wheels          | 1 | 1 | 1 | 1 |
| Special exhaust system             | 2 | 2 | 2 | 2 |
| Suspension modifications           | 3 | 3 | 3 | 3 |
| Engine high performance kit        | 4 | 4 | 4 | 4 |
| Utility rack                       | 5 | 5 | 5 | 5 |
| Any other modifications (Specify): |   |   |   |   |
| None                               | 7 | 7 | 7 | 7 |
| Don't know                         | 8 | 8 | 8 | 8 |

REPEAT Q. 1-10 FOR NEXT ATV, UP TO A TOTAL OF FOUR ATVs. IF NO MORE, CONTINUE WITH Q. 11.

DRAFT

THE NEXT SET OF QUESTIONS IS ABOUT USAGE OF ATVs IN YOUR HOUSEHOLD.

11. During the past month, about how many people outside of your immediate household have driven your ATV(s)?

Number \_\_\_\_\_ (If Zero, skip to Q. 13.)  
88 = Don't know/Refused

(IF THE ANSWER TO Q. 11 IS ZERO, SKIP to Q. 14.)

12. How many of these riders were under age 16?

Number \_\_\_\_\_  
88 = Don't know/Refused

13. Considering all the hours that your ATVs are driven, what percentage of the time are they driven by persons who are not members of your household?

% \_\_\_\_\_  
888 = Don't know/Refused

IF ANSWER TO Q. 7 IS LESS THAN ONE YEAR FOR ALL ATV'S, SKIP to Q. 15

14. Thinking about the total time you and your household drive your ATV(s) in a typical 12 month period, about what percent of the driving time does each of the four seasons account for? (The percentages should sum to 100.)

- a. \_\_\_\_\_ % Spring (March, April May)  
b. \_\_\_\_\_ % Summer (June, July, August)  
c. \_\_\_\_\_ % Fall (September, October, November)  
d. \_\_\_\_\_ % Winter (December, January, February)  
(Total must equal 100%)

NOW I WOULD LIKE TO ASK SOME QUESTIONS ABOUT YOU AND YOUR USAGE OF THE ATV(s).

15. What percent of your riding time is on the ATV you said you ride most frequently (ATV #1)?

Percent \_\_\_\_\_  
Don't know 888

16. About how tall are you?  
(USE HEIGHT CONVERSION TO RECORD  
ANSWER IN INCHES.)

Feet \_\_\_\_\_  
Inches \_\_\_\_\_  
Don't know 8

17. About how much do you weigh?

Pounds \_\_\_\_\_  
Don't know 8

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18. How long have you been operating any ATV? Please give your answer in years and months. (If less than one month, record as one month)

|            |       |
|------------|-------|
| Weeks      | _____ |
| Months     | _____ |
| Years      | _____ |
| Don't know | 88    |

19. In how many of the last 12 months did you operate any ATV?

|                  |       |
|------------------|-------|
| Number of Months | _____ |
| Don't know       | 888   |

20. Within the last 30 days, about how many days did you operate any ATV? (IF 0, SKIP TO Q. 23)

|                |       |
|----------------|-------|
| Number of days | _____ |
| Don't know     | 38    |

21. On an average day of driving in the last month, about how many hours did you spend actually riding the ATV(s), as opposed to transporting the ATV to the riding site, loading, or refueling, etc.)? (IF LESS THAN 1 HOUR RECORD TO THE NEAREST HALF HOUR)

|            |       |
|------------|-------|
| Hours      | _____ |
| Don't know | 88    |

22. Based on what you told me, you operated an ATV \_\_\_\_\_ hours last month. Is this about average for the months the ATV is used?

|                     |   |
|---------------------|---|
| Yes (Skip to Q. 24) | 1 |
| No                  | 2 |
| Don't know          | 8 |

23. About how many hours do you use the ATV in an average month? (Accept one response only. If ranges given, ask: "Would you say that would be closer to \_\_\_\_\_ or \_\_\_\_\_?")

|                    |       |
|--------------------|-------|
| Hours              | _____ |
| Don't know/Refused | 8     |

24. How did you learn to operate ATVs?  
(READ RESPONSES)

|   |       |
|---|-------|
| Organized training program                          | 1     |
| --->What was the name of the training organization? | _____ |
| Trained by ATV Dealer/Salesman                      | 2     |
| Friend or relative                                  | 3     |
| Self-taught   | 4     |
| Other (please specify)                              | _____ |
| Don't know  | 8     |

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(IF THE ANSWER TO Q. 24 IS '1' OR THE ANSWER TO Q. 4 IS 88 OR LESS, SKIP TO Q. 26.)

25. Why didn't you participate in an organized training program after you purchased your ATV?

- a) No training was offered when I bought my ATV.
- b) I already knew how to ride
- c) It wasn't worth my time
- d) other --> Specify \_\_\_\_\_

26. Thinking about helmet use, for every ten hours you use an ATV, about how many hours do you wear a helmet?

Hours

Don't know

\_\_\_\_\_  
88

27. About how often do you wear any of the following kinds of special clothing while operating ATV(s)--frequently (1), sometimes (2), rarely (3), or never (4)? READ ALL RESPONSES AND RECORD CORRECT CODE FOR EACH. CODE 8 FOR DON'T KNOW)

|                       |       |
|-----------------------|-------|
| Goggles               | _____ |
| Gloves                | _____ |
| Long sleeved shirts   | _____ |
| Long heavy pants      | _____ |
| Ankle length boots    | _____ |
| Other, please specify | _____ |

28. I am now going to ask a series of questions about your ATV driving practices. Please tell me whether you do these things frequently (1), sometimes (2), rarely (3), or never (4). If you are unsure, "don't know" is an appropriate answer.

Do you:

- a. Carry passengers? \_\_\_\_\_
- b. Do maneuvers such as wheelies or jumping \_\_\_\_\_
- c. Compete in organized racing? \_\_\_\_\_
- d. race informally with others? \_\_\_\_\_
- e. Drive on terrain that is especially hilly, uneven, or otherwise difficult? \_\_\_\_\_
- f. Ride alone, rather than with other drivers? \_\_\_\_\_
- g. Check tire pressure? \_\_\_\_\_



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29. Do you use ATVs for non-recreational purposes such as ... (Read list waiting for yes/no to each)

|  | Yes | No | Don't know/<br>Refused |
|--|-----|----|------------------------|
| Farming or ranching.....   | 1   | 2  | 3                      |
| Chores, such as<br>yard and garden work.....                                 | 1   | 2  | 3                      |
| Occupational or commercial<br>tasks (other than<br>farming or ranching)..... | 1   | 2  | 3                      |
| Anything else (Specify):_____  | 1   | 2  | 3                      |

(INTERVIEWER NOTE: IF "YES" TO ANY IN Q. 28, CONTINUE. OTHERWISE (IF ALL "NO's"), SKIP TO Q. 30.

30. Thinking of all the time you use an ATV, for every 10 hours of ATV use, about how many hours would you estimate are for these non-recreational purposes? (Accept one response only. If ranges given, ask: "Would you say that would be closer to \_\_\_ or \_\_\_?")

Hours \_\_\_\_\_  
Don't know/Refused.....99

31. The next set of questions refers to where and how you use ATVs. How often do you drive ATVs on the following types of terrain -- frequently, sometimes, rarely, or never? (READ RESPONSES.)

|   | Frequently | Sometimes | Rarely | Never |
|---|------------|-----------|--------|-------|
| driving on paved roads                      | 1          | 2         | 3      | 4     |
| driving on nonpaved roads                   | 1          | 2         | 3      | 4     |
| driving on public roads                     | 1          | 2         | 3      | 4     |
| crossing paved roads                        | 1          | 2         | 3      | 4     |
| crossing nonpaved roads                     | 1          | 2         | 3      | 4     |
| cultivated fields, pastures,<br>ranges      | 1          | 2         | 3      | 4     |
| forest, woods                               | 1          | 2         | 3      | 4     |
| yard, lawns                                 | 1          | 2         | 3      | 4     |
| desert, sand dunes                          | 1          | 2         | 3      | 4     |
| any other terrains,<br>Please specify _____ | 1          | 2         | 3      | 4     |

32. Thinking about all the time you ride your ATV, what proportion of the time would you say you ride on private, as opposed to public lands?

\_\_\_\_\_%  
888 = Don't know/Refused

33. As a driver, have you been in an ATV accident requiring medical attention within the last three years, that is since (CURRENT MONTH) of 1996?

Yes.....1 - (Continue)  
No.....2 - (Skip to Q. 38)

DRAFT

34. How many accidents that required medical attention have you had in the last three years?

Number \_\_\_\_\_  
Don't know/Refused.....99

35. Was the most recent accident that required medical attention treated in.....READ LIST AND CIRCLE ONE RESPONSE

A doctor's office.....1  
A hospital emergency room.....2  
Another place (Specify)\_\_\_\_\_3

(Do not read) Don't know/Refused.....4

36. As best you can remember, in what month and year did this accident happen?

Month \_\_\_\_\_ Year \_\_\_\_\_  
Don't know/Refused.....99

37. Please briefly describe the injury. (PROBE FOR PART OF BODY INJURED AND TYPES OF INJURY (BROKEN BONE, CUT, SCRAPE, BURN, ETC.))

\_\_\_\_\_  
\_\_\_\_\_

I NOW HAVE A FEW QUESTIONS ABOUT YOUR HOUSEHOLD.

38. Beginning with (yourself/Person), please tell me the age and sex of all the ATV drivers in the household.  
CHECK ANSWER TO QUESTION S6 AND MAKE SURE TO PROBE FOR AGE AND SEX OF ALL RIDERS.

| AGE   | SEX    |        |         |            |
|-------|--------|--------|---------|------------|
|       | Male   | Female | Refused | Don't Know |
| _____ | 1..... | 2..... | 3.....  | 4.....     |
| _____ | 1..... | 2..... | 3.....  | 4.....     |
| _____ | 1..... | 2..... | 3.....  | 4.....     |
| _____ | 1..... | 2..... | 3.....  | 4.....     |
| _____ | 1..... | 2..... | 3.....  | 4.....     |

39. Including the phone number you are now using, please tell me the total number of phone numbers your household uses for voice communications.

Number \_\_\_\_\_  
Don't Know \_\_\_\_\_  
Refused \_\_\_\_\_

DRAFT

40. In your household, what is the most school anyone has completed?  
READ CATEGORIES IF NECESSARY

High school or less.....1  
Trade or vocational school.....2  
Some college.....3  
College graduate (Bachelors degree)...4  
Attended graduate school.....5  
Refused.....6  
Don't know.....7

41. Which of these categories best describes the place where you live?

A large city or its suburbs.....1  
A medium size city or its suburbs.....2  
A small city or town.....3  
Open country or farm.....4  
Other (SPECIFY).....5  
Refused.....6  
Don't know.....7

42. Into which of the following categories does your total annual household income from all sources fall?

Less than \$15,000.....1  
\$15,000-\$30,000.....2  
\$30,000-\$45,000.....3  
\$45,000-\$60,000.....4  
\$60,000 or more.....5  
Refused.....6  
Don't know.....7

43. Are there warning labels on the ATV you ride most frequently

No (Skip to Q. 45).....1  
Yes .....0  
Don't Know (Skip to Q. 45)..8

**DRAFT**

44. Which of the following activities do the labels warn against?

|  | Yes | No | Don't know |
|--|-----|----|------------|
| a. carrying passengers .....   | 1   | 2  | 8          |
| b. driving on public roads.....  | 1   | 2  | 8          |
| c. driving on paved surfaces.....  | 1   | 2  | 8          |
| d. driving without a helmet.....   | 1   | 2  | 8          |
| e. touching the hot engine.....  | 1   | 2  | 8          |
| f. riding too fast .....   | 1   | 2  | 8          |
| g. drug and alcohol use while<br>operating an ATV.....   | 1   | 2  | 8          |
| h. stunt riding.....   | 1   | 2  | 8          |
| i. smoking and riding.....   | 1   | 2  | 8          |
| j. wearing soft soled shoes.....   | 1   | 2  | 8          |
| k. (IF RESPONSE TO Q. 6 > 90cc, SAY:)<br>the use of an adult-sized ATV<br>(with engine size of 90cc or more)<br>when under age 16..... | 1   | 2  | 8          |
| l. (IF 70cc ≤ Q. 6 RESPONSE ≤ 80cc, SAY:)<br>the use of an ATV with engine<br>size between 70cc and 90cc<br>when under age 12.....     | 1   | 2  | 8          |

45. In general, do you use alcoholic beverages either before or when operating ATVs, frequently (1), sometimes (2), rarely (3), or never (4).

- 1 frequently
- 2 sometimes
- 3 rarely
- 4 never
- 9 refused

THANK YOU VERY MUCH FOR YOUR COOPERATION IN THIS SURVEY.